

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

KARL THOMAS, an individual,

Plaintiff,

vs.

SANDERS COUNTY SHERIFF'S  
DEPARTMENT, a municipal  
corporation, LAURIE HINES, an  
individual, and ROBERT T. DAY, an  
individual,

Defendants.

CV 24-58-M-DLC-KLD

ORDER

On April 3, 2025, the Court entered an order giving Plaintiff Karl Thomas until April 16, 2025, to file a renewed motion for leave to serve Defendant Laurie Hines by mail. (Doc. 29). The Court denied Plaintiff's original motion for leave to serve Hines by mail on the ground that he had not provided an affidavit to support his assertion "that service by mail is as just as likely to give actual notice as service by publication," as required by Wash. Sup. Ct. Civ. R. 4(d)(4). (Doc. 33).

As permitted by the Court, on April 16, 2025, Plaintiff filed a renewed motion for leave to serve Hines by mail that is supported by an affidavit and exhibits. (Doc. 40). Plaintiff states in his affidavit that he received a Priority Mail delivery from Hines on October 26, 2024 with a return address in Puyallup,

Washington, and that a process server made several unsuccessful attempts to personally serve Hines at this address. (Doc. 40 at 7-8). Because Hines herself has established Puyallup as her mailing address, Plaintiff requests that the Court permit him to serve Hines by mail at the same address. (Doc. 40 at 7-8).

Having reviewed Plaintiff's affidavit and attached exhibits, the Court finds that Plaintiff has adequately demonstrated that service by mail is just as likely to provide actual notice as publication. Accordingly,

IT IS ORDERED that Plaintiff's renewed motion for leave to serve Hines by mail (Doc. 40) is GRANTED. Wash. Sup. Ct. Civ. R. 4(d) requires, among other things, that the summons "shall require the defendant to appear and answer the complaint within 90 days from the date of mailing." Because the standard summons form used by the Court does not comport with this requirement, Plaintiff is directed to file a proposed summons with Clerk of Court addressed to Laurie Hines at the address listed in Plaintiff's affidavit: 13512-97th Ave E, #202, Puyallup, WA 98374.


After the Clerk of Court issues the summons, Plaintiff is responsible for effecting service of the summons and complaint in compliance with the

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requirements of Wash. Sup. Ct. Civ. R. 4(d)(4), and shall have until June 16, 2025, to file proof of service with the Court.

DATED this 17th day of April, 2025.

  
Kathleen L. DeSoto  
United States Magistrate Judge